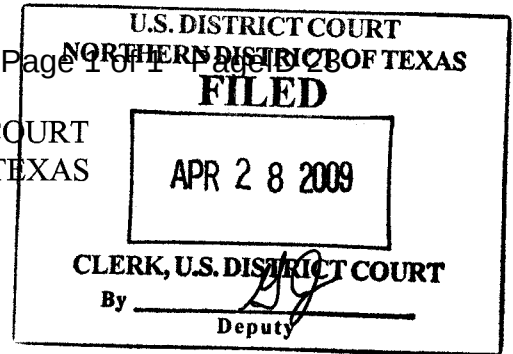


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ORIGINAL



IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

UNITED STATES OF AMERICA )

VS. )


JAMES A. TESTA )

CASE NO.: 3:09-CR-107-M

**REPORT AND RECOMMENDATION  
CONCERNING PLEA OF GUILTY**

JAMES A. TESTA, by consent, under authority of United States v. Dees, 125 F.3d 261 (5<sup>th</sup> Cir. 1997), has appeared before me pursuant to Fed. R. Crim.P. 11, and has entered a plea of guilty to Count(s) 1 of the Information. After cautioning and examining JAMES A. TESTA under oath concerning each of the subjects mentioned in Rule 11, I determined that the guilty plea was knowledgeable and voluntary and that the offense(s) charged is supported by an independent basis in fact containing each of the essential elements of such offense. I therefore recommend that the plea of guilty, and the plea agreement, be accepted, and that JAMES A. TESTA be adjudged guilty and have sentence imposed accordingly.

Date: April 28, 2009

  
PAUL D. STICKNEY  
UNITED STATES MAGISTRATE JUDGE

**NOTICE**

Failure to file written objections to this Report and Recommendation within ten (10) days from the date of its service shall bar an aggrieved party from attacking such Report and Recommendation before the assigned United States District Judge. 28 U.S.C. §636(b)(1)(B).